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APR 20 2004
TRADEMARK OFFICE

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1647

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY'S DOCKET: WALLACH=20

In re Application of:) Conf. No.: 8216
David WALLACH et al) Art Unit: 1647
Appn. No.: 08/981,559) Examiner: D. Romeo
Filed: April 13, 1998) Washington, D.C.
For: TNF MODULATION) April 20, 2004
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)

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop AF
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated November 20, 2003, of the Primary Examiner. The claims appealed are claims 29 and 36.

The item(s) checked below are appropriate:

 Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XXX The fee has been calculated as shown below:

XXX \$330.00

 \$165.00 (small entity)

 Not required (fee paid in prior appeal)

XXX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within

[] First - \$ 55.00
[] Second - \$210.00
[] Third - \$475.00
[] Fourth - \$740.00

month after time period set

Other Than Small Entity
Response Filed Within

[] First - \$ 110.00
[XX] Second - \$ 420.00
[] Third - \$ 950.00
[] Fourth - \$1480.00

month after time period set

 [] Less fees (\$_____) already paid for ____ months extension of time on ____.

 A check in the amount of \$_____ is attached. (Check No. _____)

XXX Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$ 750.00

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

04/21/2004 JBALINAN 00000055 08981559

01 FC:1252
02 FC:1401

420.00 OP
330.00 OP

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
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